



7700

Docket No. 02105.002130
Date: February 13, 2004

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: PETER D. GIVEN ET AL.

Application No.: 09/593,759

For: CALCIUM FORTIFIED BEVERAGES COMPOSITIONS AND PROCESS FOR PREPARING
THE SAME

Filed: June 14, 2000

Group Art Unit: 1761

RECEIVED

FEB 23 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the
decision dated August 13, 2003, of the Primary Examiner finally rejecting claims 1, 2, 4-11, 13-20,
25 and 29-34.

The item(s) checked below are appropriate.

1. ☒ A Petition for a 3 month extension of time to respond to the final rejection, together
with the \$ 950.00 extension fee under 37 C.F.R. §1.17, was filed herewith.
2. ☐ A Petition for an additional month extension of time to take further action, together
with the \$ extension fee under 37 C.F.R. §1.17, was filed on .

02/19/2004 SSITHIB1 00000081 09593759

01 FC:1401

330.00 OP

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first-class mail in an envelope addressed
to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 on February 13, 2004

(Date of Deposit)

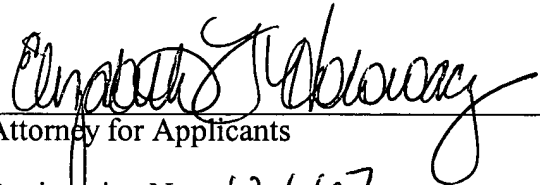
Elizabeth F. Holowacz

(Name of Attorney for Applicant)

Elizabeth F. Holowacz 2/13/04
Signature Date of Signature

3. ☒ Fee \$330.00
- ☐ Fee \$165.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
- ☒ Enclosed
- ☐ Not required (fee paid in prior appeal)
- ☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)
4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

Form #67

NY_MAIN 408056v1